

Remarks

Claims 1-2, 8, 10, 12, 14, 18, 22-23, 26, 29, 31, and 37 were rejected as anticipated by SMITHSON et al. 6,886,099. Claims 1, 22-23, 26, and 29-31 have been amended and reconsideration and withdrawal of the rejection are respectfully requested.

SMITHSON et al. disclose a system with a firewall server 16, file server 12, mail server 18, or client computer 14 in a local area network 2, which is configured to detect in the first sub-system unknown malicious software having a characteristic. The system monitors one or more predefined parameters that the system already knows and detects an unknown virus by controlling one of the predefined parameters that is known in advance. If the computer system notices that the predefined parameter exceeds a predetermined threshold value, the system determines that the virus exists (column 4, lines 5-46). By contrast to the claims herein, the SMITHSON et al. system does not carry out a simulation in order to activate an unknown virus in the system to cause virus-induced consequences in the system.

That is, the sub-system defined in the amended claims herein detects the activated unknown software, which the sub-system has awoken itself, by detecting the consequences of the activation, while in SMITHSON et al. the system merely monitors the predefined parameters; there is no simulation.

More specifically, the SMITHSON et al. security system does not have a first sub-system configured to detect in the first

sub-system an unknown malicious software having a characteristic unknown to the first sub-system, where the first sub-system is also configured to perform a partial simulation in the first sub-system for activating the unknown malicious software having the characteristic unknown to the first sub-system for causing a consequence of an activation of the unknown malicious software in the first sub-system and thereafter to detect the activated unknown malicious software in the first sub-system by detecting the consequence of the activation of the unknown malicious software in the first sub-system.

Accordingly, the amended claims avoid the rejection under §102.

Claims 3-6, 9, 15-17, 19-21, 30, 33-34, and 40-41 were rejected as unpatentable over SMITHSON et al. in view of CHEFALAS et al. 2002/0116639. The independent claims have been amended and reconsideration and withdrawal of the rejection of these dependent claims are respectfully requested for the reasons given above.

The double listing of the amendments to the claims in the present amendment is believed to be responsive to the Notice of Non-Compliant Amendment, as best understood.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Thomas W. Perkins/
Thomas W. Perkins, Reg. No. 33,027
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

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